IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2787 OF 2007
Date of Decision: 23-02-2007

Bijender Singh son of Shri Sita Ram, Constable No.430/SSR, Dogran Mohalla, Subzi Mandi, Hisar.

.....Petitioner

Vs.

1. State of Haryana through Secretary to Government of Haryana, Home Department, Chandigarh.
2. Director General of Police Haryana, Panchkula.
3. Inspector General of Police, Hisar Range Hisar.
4. Superintendent of Police Hisar.

....Respondents

BEFORE:- HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA
HON'BLE MR. JUSTICE R S MADAN

PRESENT: Mr.Mani Ram Verma, Advocate
for the petitioner.

R S MADAN, J.

The petitioner was posted as a Constable No.430/HSR and absented himself deliberately from the duty for a period of 36 days, 2 hours, 15 minutes from 4.3.2002 to 9.4.2002 while posted in Police Lines, Hisar. On the basis of his absence from duty, a departmental enquiry was initiated against him and he was found guilty for the same. He was awarded a punishment of stoppage of three future increments with permanent effect.

Aggrieved by the impugned order of punishment, the petitioner preferred an appeal before the Inspector General of Police, who vide Annexure P2 dismissed the appeal of the petitioner being devoid of

merits. The petitioner further filed a revision petition before the Director General of Police, Haryana, who vide order dated 30-06-2004 Annexure P3 dismissed the appeal. Dis-satisfied with the aforesaid order, the petitioner filed a memorial before the Financial Commissioner and Principal Secretary to Government of Haryana, Home Department, who vide his order dated 23-02-2005 informed the petitioner that no memorial is maintainable under Rule 16.29 of Punjab Police Rules, 1934. The petitioner has challenged these orders Annexures P1 to P4 in this writ petition.

Learned counsel for the petitioner contends that the petitioner has not been afforded any opportunity by the competent Authority before awarding a punishment of stoppage of three future annual increments with permanent effect. Similarly, the Appellate Authority as well as the Inspector General of police and the Director General of Police, Haryana vide Annexures P2 to P3 did not pass any speaking order while affirming the orders of Punishing Authority.

We have considered the submission of the learned counsel for the petitioner as well as gone through orders Annexures P1 to P4 and do not find any infirmity in the orders passed by the various Authorities as the petitioner has been afforded due opportunity to present his case before the Authorities.

There is no merit in the writ petition and the same is hereby dismissed.

(R S MADAN)
JUDGE

February 23, 2007 (ASHUTOSH MOHUNTA)
jt JUDGE